

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MICHAEL CALLAGHAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-03419

NATALIE E. TENNANT, et al.,

Defendants.

ORDER

Pending before the court is the plaintiff, Michael Callaghan's Motion to Expedite Briefing [Docket 26]. The defendants have responded to this motion, and the plaintiff has filed a reply.

Local Rule 7.1 provides: "Memoranda and other materials in response to motions shall be filed and served on opposing counsel and unrepresented parties within 14 days from the date of service of the motion. Any reply memoranda shall be filed and served on opposing counsel and unrepresented parties within 7 days from the date of service of the memorandum in response to the motion." The court may, of course, alter these deadlines by order.

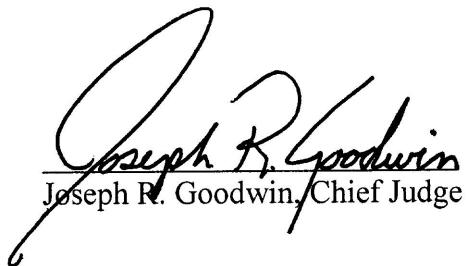
Under the briefing schedule provided for by the Local Rules, the defendants' response to the motion for a preliminary injunction must be filed by September 5, 2012. The plaintiff has asked the court to move this deadline to August 31, 2012. The defendants, on the other hand, claim that the plaintiff's request is inconsistent with "[b]asic principles of comity and federalism." (Defs. Resp. [Docket 29], at 3). The defendants object to an expedited briefing schedule, and

request that the court extend the briefing schedule to accommodate their briefing schedule in a state court case. (Resp. by Allen H. Loughry, II [Docket 28], at 2).

The Federal Rules of Civil Procedure and the Local Rules properly address the concerns of both parties on this issue. A party seeking emergency relief from the court may file a motion for a temporary restraining order. Similarly, a party who believes a court should abstain from hearing a matter within its jurisdiction may file a motion to that effect. In the absence of any such motion from either party, the court sees no basis for altering the briefing schedule at this time. The Motion to Expedite Briefing is hereby **DENIED**. This case shall proceed as anticipated by the Federal Rules of Civil Procedure and the Local Rules of this court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 27, 2012



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge